

EXHIBIT H

Folgers, Anna

From: Sheikh, David J
Sent: Thursday, July 08, 2010 2:55 PM
To: Molster, Charles B.
Cc: Alan D. Albert (alan.albert@leclairryan.com); Niro, Raymond P; Haan, Brian; Folgers, Anna; Esquivel, Lisa E
Subject: RE: FW: Skyline v. ESRI

Chip:

Thanks for the email. I also received your voicemail message, and I spoke with Alan Albert.

To begin with, nothing we have done is uncooperative, strident or inflexible. On the contrary, we have made repeated, good faith attempts to resolve our issues with ESRI's responses to Skyline's discovery requests without a motion -- this was the purpose of our June 30th letters which still have not been responded to, and we remain available to discuss our issues this week. However, we have a tight schedule and for that reason we cannot accept a two week delay to discuss the issues, with further time after that to obtain the information we have requested. In our view, the issues can and should be resolved expeditiously. We reasonably anticipated having a discussion this week and receiving the information by next week.

We are willing to accommodate your scheduling issues, but you have at least six attorneys working on this matter, and we do not understand how all six can be unavailable to discuss and to resolve our issues at any time from June 30th through July 13th. That is unacceptable generally, and particularly because of the time constraints we are facing. Indeed, during the time you said that no one on your team was available to talk with us regarding our issues, I received voicemail messages and emails from Peter Perkowsky to discuss an issue he raised with Skyline's document production (which, I might add, is being addressed by our side). As you can surely appreciate, we are wondering why your side has time to discuss your issues but not ours.

Frankly, a lot of time and effort has been spent on phone calls and emails on avoiding the discussion that we were available (and remain available) to have this week that could have been spent on the discussion itself. Nevertheless, as an accommodation to you, we will agree to postpone our discussion about the issues we have raised concerning ESRI's responses to Skyline's discovery requests until no later than July 12th, with the following caveats. First, we will agree to delay the discussion only if you will be prepared on July 12th to firmly and unqualifiedly commit to a date certain (which fits into the pretrial schedule) to provide the information that we have requested. We are not willing to postpone our discussion only to hear that you need to investigate or to confer with your client regarding the issues we have raised. We expect you to have answers for us on July 12th. Second, you have proposed noon Central time which, unfortunately, does not fit my current schedule (I have a conflict from 11:30 a.m. to 1:30 p.m. that day), so I would greatly appreciate your adjusting the time to after 1:30 p.m. to fit my schedule. If this is not possible, we can go ahead and proceed at noon on July 12th because we are most interested in getting the information that we have requested as quickly as possible.

If you are willing to agree to proceed in the above fashion, we will hold off on filing our motion. Otherwise, we will proceed (with the understanding, of course, that you can still voluntarily provide the information we have requested which would result in a withdrawal of the motion).

Please get back to us today.

Best regards,

Dave Sheikh

-----Original Message-----

From: Molster, Charles B. [mailto:CMolster@winston.com]
Sent: Thursday, July 08, 2010 11:24 AM
To: Sheikh, David J
Cc: Alan D. Albert (alan.albert@leclairryan.com); Molster, Charles B.
Subject: [!! SPAM] FW: Skyline v. ESRI

David:

I left you a voice mail also - can you please call me on my cell? 703 346 1505

As I indicated to Alan on the phone, I think we should work cooperatively in this case, rather than taking strident and inflexible positions, especially re scheduling issues.

I am in Texas on Monday and Tuesday, which is why I suggested Wednesday. If that's too late, I will change my flight on Monday so that we can talk at noon central (so that my California partners can be on as well).

Can we agree on that?

Thanks,

Chip

From: Folgers, Anna [afolgers@nshn.com]

Sent: Thursday, July 08, 2010 11:17 AM

To: Molster, Charles B.; Perkowski, Peter E.

Cc: Standish, Gail J.; Smith, Denise A.; Sheikh, David J; Haan, Brian; Niro, Raymond P; alan.albert@leclairryan.com

Subject: RE: Skyline v. ESRI

Mr. Molster,

The only discovery issue ESRI has brought to Skyline's attention has been a request for the immediate production of the "Keyhole litigation documents." As Mr. Sheik noted in his email this morning, these documents will be produced today. Accordingly, Skyline is unclear as to what issues ESRI has with Skyline's discovery responses that would even warrant a meet and confer regarding Skyline's own discovery obligations. ESRI, on the other hand, has had more than nine days to consider our substantive identification of ESRI's numerous discovery deficiencies and yet insists on waiting to hold a meet and confer on the issues almost another week later.

Thank you for your suggestions that we speak to our own local counsel regarding the filing of any such motion, however, we do not believe that ESRI in any position to suggest how we assess and address ESRI's non-responsiveness and delay tactics.

Accordingly, if you or a member of your team are unwilling to meet and confer on the issues we addressed in our correspondence of June 30, 2010 today, we will proceed accordingly. Please confirm one way or the other. We will certainly state to the Judge that ESRI objects to the filing of our motion.

Sincerely,

Anna B. Folgers

Niro, Haller & Niro

afolgers@nshn.com

312.236.0733

181 West Madison Street, Suite 4600

Chicago, IL 60602

-----Original Message-----

From: Molster, Charles B. [mailto:CMolster@winston.com]
Sent: Thursday, July 08, 2010 9:41 AM
To: Folgers, Anna; Perkowski, Peter E.
Cc: Standish, Gail J.; Smith, Denise A.; Sheikh, David J; Haan, Brian;
Niro, Raymond P; Alan D. Albert (alan.albert@leclairryan.com); Molster,
Charles B.
Subject: RE: Skyline v. ESRI

Anna:

We don't think that it would be appropriate (or within the local rules and practice) for you to file a motion now and we object -- please state that to the Judge in whatever papers that you elect to file.

We think that the parties should be able to work out the issues that you raised in your June 30 letter, and, as we have indicated (and has Peter has indicated in voice mails to David), we also have concerns regarding your discovery responses. We want to work those out -- or meet confer -- as well. We think it would be most appropriate and efficient to discuss the various issues at one time, in an effort to reach global agreements and avoid having to burden the Court with discovery disputes -- especially ones that have not even been discussed by the parties.

Also, I suggest that you speak with Alan before you file any such motion.

Thanks, and if you would like to discuss further, please let me know.

David/Alan - I am available on my cell if you would like to discuss - 703 346 1505.

Thanks,

Chip

From: Folgers, Anna [afolgers@nshn.com]
Sent: Thursday, July 08, 2010 10:31 AM
To: Perkowski, Peter E.
Cc: Molster, Charles B.; Standish, Gail J.; Smith, Denise A.; Sheikh, David J; Haan, Brian; Niro, Raymond P
Subject: RE: Skyline v. ESRI

Dear Peter,

Skyline's request for a meet and confer on these issues has been outstanding since June 30, 2010. We originally requested that the parties have a meet and confer on these issues by the end of last week. We received no response from you. Again, we sent a letter to ESRI requesting a meet and confer on these issues on July 7, 2010 at 9:35am requesting a meet and confer on these issues today, July 8, 2010. We did not receive a response from ESRI until 12:27am this morning. In that response, ESRI requests to push off a meet and confer on these issues until next Wednesday, July 14th (nearly two weeks after our original request for a meet and confer) presumably because Mr. Molster must participate, despite that fact that five attorneys have appeared on ESRI's behalf.

Given the fast approaching discovery deadline in this case and ESRI's repeated delays in responding, both substantively and generally, to Skyline's requests, if ESRI is not available to meet and confer today, Skyline intends to seek the court's assistance in resolving these discovery matters.

Sincerely,

Anna B. Folgers
Niro, Haller & Niro
afolgers@nshn.com
312.236.0733
181 West Madison Street, Suite 4600
Chicago, IL 60602

From: Perkowski, Peter E. [mailto:PPerkowski@winston.com]
Sent: Thursday, July 08, 2010 12:27 AM
To: Sheikh, David J; Folgers, Anna; Haan, Brian
Cc: Molster, Charles B.; Standish, Gail J.; Smith, Denise A.
Subject: Skyline v. ESRI

Dear Ms. Folgers:

We have received your e-mail of earlier today. We are not available the remainder of this week, and my colleague Chip Molster has a mediation early next week. Accordingly, we propose Wednesday, July 14, at 12 noon, to discuss the issues you raise in your letter, as well as some issues regarding Skyline's interrogatories and document production.

Please let us know if you are available on the 14th.

Regards,

Peter E. Perkowski

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